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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

7 UNITED STATES OF AMERICA,)
)
8 Plaintiff,) Case No. CR06-206-RSM
)
9 v.) **PROPOSED FINDINGS OF**
) **FACT AND DETERMINATION**
10 SPENCER WYDELL WOODS,) **AS TO ALLEGED**
) **VIOLATIONS OF**
11 Defendant.) **SUPERVISED RELEASE**
)

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13 INTRODUCTION

14 I conducted a hearing on alleged violations of supervised release in this case on May 14,
15 2009. The defendant appeared pursuant to a summons issued in this case. The United States
16 was represented by Sarah Vogel, and defendant was represented by Omar Riojas. Also present
17 was U.S. Probation Officer Brian Facklam. The proceedings were digitally recorded.

18 CONVICTION AND SENTENCE

19 Defendant was sentenced on October 27, 2006, by the Honorable Ricardo S. Martinez for
20 Conspiracy to Distribute Cocaine and Heroin. He received 20 months imprisonment and 3 years
21 supervised release. Defendant's supervision began on December 3, 2007. On April 8, 2008, the
22 Probation Office filed a petition for warrant alleging defendant had committed the crime of
23 assault in the second degree. On August 13, 2008, the Probation Office filed a petition adding an

PROPOSED FINDINGS OF FACT AND
DETERMINATION AS TO VIOLATIONS OF
SUPERVISED RELEASE -1

1 additional violation: failing to abstain from use of alcohol. On August 21, 2008, defendant
2 admitted he failed to abstain from alcohol use; the government moved to dismiss the allegation
3 that defendant had committed assault in the second degree. On September 12, 2008, the Court
4 sentenced defendant to credit for time served and placed defendant to a term of supervision to end
5 on December 2, 2010.

6 On January 29, 2009, the Probation Office filed a petition alleging defendant had 1)
7 committed the crime of attempting to elude, 2) consumed alcohol, 3) failed to notify his probation
8 officer within 72 hours that he had been arrested and 4) failed to participate in a substance abuse
9 program. On February 20, 2009 the court found defendant had committed all of the violations
10 and sentence defendant to 24 months of supervised release, participation in the MRT program
11 and home confinement of up to 180 days.

12 PRESENTLY ALLEGED VIOLATIONS AND
13 DEFENDANT'S ADMISSION OF THE VIOLATION

14 In a petition dated April 16, 2009, U.S. Probation Officer Brian K. Facklam alleged that
15 defendant violated the following conditions of supervised release:

16 1. Drinking alcohol on or about April 2, 2009, in violation of the special condition of
17 supervision ordering that he abstain from the use of the substance.

18 Defendant admitted the above violations, waived any hearing as to whether they occurred,
19 and was informed the matter would be set for a disposition hearing June 19, 2009 at 10:00 a.m.
20 before District Judge Ricardo S. Martinez.

21 RECOMMENDED FINDINGS AND CONCLUSIONS

22 Based upon the foregoing, I recommend the court find that defendant has violated the
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1 conditions of his supervised release as alleged above, and conduct a disposition hearing.

2 DATED this 14th day of May, 2009.

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5 BRIAN A. TSUCHIDA
6 United States Magistrate Judge
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